



**APRIL 17 - 21, 2006**  
**ST. LOUIS, MISSOURI**

**James B. Loken, Chief Judge - Minneapolis, Minnesota**

**Circuit Judges in Active Service**

**Roger L. Wollman - Sioux Falls, SD**  
**Morris S. Arnold - Little Rock, AR**  
**Diana E. Murphy - Minneapolis, MN**  
**Kermit E. Bye - Fargo, ND**  
**William Jay Riley - Omaha, NE**  
**Michael J. Melloy - Cedar Rapids, IA**  
**Lavenski R. Smith - Little Rock, AR**  
**Steven M. Colloton - Des Moines, IA**  
**Raymond W. Gruender - St. Louis, MO**  
**Duane Benton - Kansas City, MO**

**Circuit Judges Who Have Taken Senior Status**

**Donald P. Lay - St. Paul, MN**  
**Gerald W. Heaney - Duluth, MN**  
**Myron H. Bright - Fargo, ND**  
**John R. Gibson - Kansas City, MO**  
**George G. Fagg - Des Moines, IA**  
**Pasco M. Bowman - Kansas City, MO**  
**Frank J. Magill - Fargo, ND**  
**C. Arlen Beam - Lincoln, NE**  
**David R. Hansen - Cedar Rapids, IA**

## NOTICE TO ALL COUNSEL

Please review the entire calendar, as you may have more than one case scheduled for oral argument. Please check the calendar carefully for the starting time for your day and division.

*Court will be held in the Thomas F. Eagleton Courthouse at 111 S. 10<sup>th</sup> Street, St. Louis, Missouri. Division I will be held in the En Banc Courtroom on Floor 28. Division II will be held in the Southeast Courtroom on Floor 27, Division III will be held in the Northeast Courtroom on Floor 27, and Division IV will be held in the Southwest Courtroom on Floor 27. Counsel presenting oral argument should report to the clerk's office, Room 24.329, 30 minutes before Court convenes.*

Counsel may not waive oral argument without prior leave of court. Absent leave of court, only one attorney is permitted to present the argument for a party. However, if the parties on a side are separately represented and have filed separate briefs, each party on that side is permitted to argue; in such a case, counsel must confer and decide how they will split the time shown on the calendar. Questions should be addressed to the Clerk of Court.

Appearance forms of counsel, if not previously submitted, must be completed and forwarded immediately to the clerk's office. Every attorney who presents oral argument must be admitted to the Eighth Circuit Bar unless appointed to represent a party proceeding in forma pauperis.

The time allotted for each side's argument is noted to the right of the case. *Cases designated as NO ARG will be submitted to the Court on the briefs and record without oral argument, and counsel are not required to appear for cases designated NO ARG.*

Michael E. Gans  
Clerk of Court

[www.ca8.uscourts.gov](http://www.ca8.uscourts.gov)

**The following visiting judge is sitting with the Court in April:**

\*The Honorable Andrew W. Bogue,  
Senior U. S. District Judge  
Rapid City, South Dakota

**Updated 04/14/06**

**DIVISION I**  
**28<sup>th</sup> Floor**  
**En Banc Courtroom**

**MONDAY, APRIL 17, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES LOKEN, LAY, BYE**

**YML**

- |      |           |  |               |
|------|-----------|--|---------------|
| 1.   | 05-3458MN | Melford Olson Honey, Inc. v. Richard Adee, etc.                            |               |
|      | 05-3459MN | Melford Olson Honey, Inc. v. Richard Adee, etc.                            | 20            |
| <br> |           |  |               |
| 2.   | 05-3403EM | Arthur J. Misischia, etc. v. St. John's Mercy Health Systems, etc., et al. | 20            |
| <br> |           |  |               |
|      | 05-3562WM | United States v. Jesse D. Counce   | <b>NO ARG</b> |
| <br> |           |  |               |
|      | 05-3381   | Alexander Antropov v. Alberto Gonzales, etc.                               | <b>NO ARG</b> |
| <br> |           |  |               |
| 3.   | 05-4040SI | United States v. Robert Clark Goff   | 10            |
| <br> |           |  |               |
| 4.   | 05-3731EM | United States v. Ladarius Venice Cook                                      | 15            |

**TUESDAY, APRIL 18, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES LOKEN, LAY, BYE**

**TAB**

	05-4152WM     United States v. Lisa Marie Destefano	<b>NO ARG</b>
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**\*\*EN BANC SESSION\*\***

**BEGINNING AT 11:00 A.M.**  
**BEFORE JUDGES LOKEN, GIBSON, WOLLMAN, ARNOLD, MURPHY,**  
**BYE, RILEY, MELLOY, SMITH, COLLOTON, GRUENDER, BENTON**

	04-2538MN     Henry Szabla v. City of Brooklyn Park Minnesota, etc., et al.	30
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**DIVISION I**  
**28<sup>th</sup> Floor**  
**En Banc Courtroom**

**WEDNESDAY, APRIL 19, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES LOKEN, BOWMAN, BYE**

**JMH**

- |    |           |   |               |
|----|-----------|---|---------------|
| 1. | 05-3517NE | United States v. Courtney Allen Coney   |               |
|    | 05-3590NE | United States v. Robert Allen Coney   |               |
|    | 05-3931NE | United States v. Marco Allen Coney  | 20            |
|    | 05-3537MN | Mahesh Reinholdson, etc. v. School Board<br>of Independent School District 11 | <b>NO ARG</b> |
| 2. | 05-3831MN | Richard S. Belde v. Ferguson Enterprises,<br>Inc., et al.                     | 15            |
|    | 05-4015NI | United States v. Carlos Alberto Pool-Chan                                     | <b>NO ARG</b> |
| 3. | 05-2712EM | United States v. Leo Adams  | 10            |
|    | 05-3715NI | United States v. Scott Christopher Cook                                       | <b>NO ARG</b> |

**THURSDAY, APRIL 20, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES LOKEN, BOWMAN, BYE**

**KAS**

- |    |           |   |               |
|----|-----------|---|---------------|
| 1. | 05-3049SI | USCOC of Greater Iowa, Inc. v. Zoning<br>Board of Adjustment of the City of<br>Des Moines | 20            |
|    | 05-3570SD | Edward Maguire v. United States   | <b>NO ARG</b> |
| 2. | 05-3734SI | Donald S. Sofonia v. Principal Life<br>Insurance Company, et al.                          | 15            |
|    | 05-3810NI | United States v. Kareem Damoe Lee, etc.   | <b>NO ARG</b> |
| 3. | 05-3038   | Nathaniel T. Vonhm, Jr. v. Alberto<br>Gonzales, etc.                                      | 15            |

**DIVISION I**  
**28<sup>th</sup> Floor**  
**En Banc Courtroom**

**FRIDAY, APRIL 21, 2006, BEGINNING AT 8:30 A.M.**  
**BEFORE JUDGES LOKEN, BOWMAN, BYE**

			<b>SRD</b>
1.	05-3492WA	Alex Sylvester v. Doug Fogley, et al.	15
2.	05-3892EA	United of Omaha Life Insurance Company v. Ross C. Honea, etc.	15
3.	05-3807EM	Macheca Transport Company, etc., et al. v. Philadelphia Indemnity Insurance Company	15
	04-3257WM	Quintin L. Brown v. United States	<b>NO ARG</b>
	05-3683EA	Clinton O. Beggs v. Bill Gilkey, et al.	<b>NO ARG</b>

**DIVISION II**  
**27<sup>th</sup> Floor**  
**Southeast Courtroom**

**MONDAY, APRIL 17, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES WOLLMAN, BEAM, BENTON**

**DMS**

- |    |           |   |               |
|----|-----------|---|---------------|
| 1. | 05-3587WM | Susan Lavon Lankford, et al. v. Gary Sherman, etc.      | 20            |
| 2. | 05-2796MN | Tom Lingenfelter, etc., et al. v. John Stoebner, et al. | 15            |
|    | 05-3181ND | United States v. Ronald Spears                          | <b>NO ARG</b> |
| 3. | 05-3375SD | United States v. Sitha Savatdy                          | 15            |
| 4. | 05-3209NI | United States v. B. H.                                  | 15            |

**TUESDAY, APRIL 18, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES WOLLMAN, BEAM, BENTON**

**BNS/SRD-T**

- |           |   |               |
|-----------|---|---------------|
| 05-3233   | Varlee Kamara v. Alberto Gonzales, etc. | <b>NO ARG</b> |
| 05-3259EM | United States v. Abe B. Evans           | <b>NO ARG</b> |

**BEFORE JUDGES RILEY, BEAM, HANSEN**

- |    |           |  |    |
|----|-----------|--|----|
| 1. | 06-1397WM | Michael Anthony Taylor v. Larry Crawford, etc., et al. | 30 |
|----|-----------|--|----|

**DIVISION II**  
**27<sup>th</sup> Floor**  
**Southeast Courtroom**

**WEDNESDAY, APRIL 19, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES WOLLMAN, HANSEN, BENTON**

**ABC**

- |    |           |  |               |
|----|-----------|--|---------------|
| 1. | 05-3434MN | Slidell, Inc. v. Millennium Inorganic Chemicals, Inc.                                    | 15            |
|    | 05-3813EA | Ellehugh Cross v. Local 1762 United Auto Workers, et al.                                 | <b>NO ARG</b> |
| 2. | 05-3283NE | United States v. Noe Lopez-Vargas  | 15            |
| 3. | 05-3589SI | United States v. Patricio Sandoval-Rodriguez   | 15            |
| 4. | 05-3148WM | United States v. James William Rogers  | 15            |
| 5. | 05-3886MN | In re: Grand Jury Subpoenas Dated February 28, 2002, March 26, 2003, and October 4, 2004 | 15            |

**THURSDAY, APRIL 20, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES WOLLMAN, HANSEN, BENTON**

**LMT**

- |    |           |  |               |
|----|-----------|--|---------------|
| 1. | 05-3496SI | Roger D. Parsons v. Pioneer Seed Hi-Bred International, Inc. | 15            |
| 2. | 05-3463MN | Schwan's IP, LLC, et al. v. Kraft Pizza Company              | 15            |
|    | 05-4184NE | United States v. Charles E. Wiig                             | <b>NO ARG</b> |
| 3. | 05-3521NI | United States v. Jason Paul Annis                            | 15            |
| 4. | 05-2110SD | United States v. Roy B. One Star                             | 15            |

**DIVISION II**  
**27<sup>th</sup> Floor**  
**Southeast Courtroom**

**FRIDAY, APRIL 21, 2006, BEGINNING AT 8:30 A.M.**  
**BEFORE JUDGES WOLLMAN, HANSEN, BENTON**

			<b>LLB</b>	
1.	05-3558NE	Kelly Conolly v. James D. Clark		15
2.	05-2923WA	Danny Alexander v. The Trane Company, et al.		15
	05-3622EA	Great American Insurance Company, et al. v. Dover, Dixon Horne, etc., et al.	<b>REMOVED</b>	
3.	05-3523EM	Ora Berkley v. Dillard's Inc., et al.		15
4.	05-3411WA	Larry Gleghorn v. Col Don Melton, etc., et al.		10



**DIVISION III**  
**27<sup>th</sup> Floor**  
**Northeast Courtroom**

**MONDAY, APRIL 17, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES ARNOLD, FAGG, COLLOTON**

**LLB**

05-2798WM     Joseph W. McAninch, etc. v. The Kansas  
Bankers Surety Co.  
05-2870WM     Susan Wintermute v. The Kansas Bankers  
Surety Co.  
05-2938WM     Joseph W. McAnich, etc., et al. v. The  
Kansas Bankers Surety Co.

**REMOVED**

1.	05-3081EM	United States v. Richard Drury, etc.	10
	05-3384EM	United States v. Eddie Taylor, Jr.	<b>NO ARG</b>
2.	05-4179WM	United States v. Francis M. Summe	15
	05-3896NE	United States v. Terron Brown	<b>NO ARG</b>

**TUESDAY, APRIL 18, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES ARNOLD, FAGG, COLLOTON**

**DGH**

1.	05-3406EA	Richard Cox v. Larry Norris, etc.	10
	05-3638EM	United States v. Reginald Williams	<b>NO ARG</b>

**WEDNESDAY, APRIL 19, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES ARNOLD, LAY, COLLOTON**

**TAB**

	05-4165SD	United States v. Joseph Charles Richard	<b>NO ARG</b>
1.	05-2991WM	United States v. Mark A. Medearis	15
	05-2974NE	Lloyd R. Trackwell v. David Domina, et al.	<b>NO ARG</b>
2.	05-3798SD	Kelly D. Crotty v. Dakotacare Administrative Services, etc.	15
3.	05-3295NE	United States v. \$124,700 in U. S. Currency, et al.	10
4.	05-4332SD	United States v. Robert Raymond Tail	15

**DIVISION III**  
**27<sup>th</sup> Floor**  
**Northeast Courtroom**

**THURSDAY, APRIL 20, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES ARNOLD, COLLOTON, \*BOGUE**

**DMH**

- |    |           |  |    |
|----|-----------|--|----|
| 1. | 05-4065NE | United States v. William Andrews, Jr.        | 15 |
| 2. | 05-4262EA | United States v. James Tindall               | 15 |
| 3. | 05-3592SI | Charles Cagin v. The McFarland Clinic, P.C.  | 15 |
| 4. | 05-4124NE | United States v. Alfonzo Traymayne Lee, etc. | 15 |
| 5. | 05-3261WM | United States v. Darrell Wayne Massey, Sr.   | 15 |

**FRIDAY, APRIL 21, 2006, BEGINNING AT 8:30 A.M.**  
**BEFORE JUDGES ARNOLD, COLLOTON, \*BOGUE**

**PAW**

- |    |           |   |    |
|----|-----------|---|----|
| 1. | 05-3707WA | Eddie Watt, et al. v. GMAC Mortgage Corporation             | 15 |
| 2. | 05-3964WM | Larry D. Choate v. Jo Anne B. Barnhart                      | 15 |
| 3. | 05-3714EM | Reverend Gary Thompson v. Bi-State Development Agency, etc. | 10 |

05-3120MN     Microsoft Corporation v. ION Technologies Corporation, et al.

**DISMISSED**

- |    |           |                              |    |
|----|-----------|------------------------------|----|
| 4. | 05-3572MN | Esther Abdel v. U.S. Bancorp | 15 |
|----|-----------|------------------------------|----|

**DIVISION IV**  
**27<sup>th</sup> Floor**  
**Southwest Courtroom**

**MONDAY, APRIL 17, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES MURPHY, MELLOY, GRUENDER**

**KAS**

- |    |           |  |    |
|----|-----------|--|----|
| 1. | 05-3313WM | Missouri Board of Examiners for<br>Hearing Instrument Specialists v.<br>Hearing Help Express, Inc. | 20 |
| 2. | 05-2364SD | Tony Alvester Faulks v. Douglas L.<br>Weber, etc.  | 15 |
| 3. | 05-3809NE | United States v. Ricky Davis   | 15 |
| 4. | 05-2753   | Genet Hailemichael v. Alberto Gonzales, etc.   | 15 |
| 5. | 05-3792MN | Theresa Wert v. Liberty Life Assurance<br>Company of Boston, Inc.                                  | 15 |

**TUESDAY, APRIL 18, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES MURPHY, MELLOY, GRUENDER**

**JPP**

- |    |           |   |               |
|----|-----------|---|---------------|
| 1. | 05-3224MN | St. Paul Fire and Marine Insurance<br>Company v. Compaq Computer<br>Corporation | 15            |
|    | 05-2957MN | Carlos Gutierrez v. United States   | <b>NO ARG</b> |
|    | 05-4174EA | United States v. Jairo G. Montgomery  | <b>NO ARG</b> |
| 2. | 04-3666SD | United States v. Dean Little Hawk   | 10            |

**DIVISION IV**  
**27<sup>th</sup> Floor**  
**Southwest Courtroom**

**WEDNESDAY, APRIL 19, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES MUPRHY, MELLOY, GRUENDER**

**CMD**

- |    |           |   |               |
|----|-----------|---|---------------|
| 1. | 05-3243EA | Sammie Lewis v. Mike Johanns, etc.          |               |
|    | 05-3256EA | Jackie E. Stevens v. Mike Johanns, etc.     |               |
|    | 05-3257EA | Danny Harpole v. Mike Johanns, etc., et al. | 20            |
|    | 05-3446ND | United States v. Marcia Brave Thunder, etc. |               |
|    | 05-3447ND | United States v. Rinissa Fitzpatrick        | <b>NO ARG</b> |
|    | 05-3916MN | United States v. William Charles Pugh       | <b>NO ARG</b> |
| 2. | 05-4248ND | United States v. Alvin Peterson             | 15            |
|    |           | In re: Jeffrey L. Miller, Debtor            |               |
| 3. | 05-3651NE | Jeffrey L. Miller v. NLVK, etc.             | 10            |
|    | 05-3213MN | United States v. Michael Troy Olson         | <b>NO ARG</b> |

**THURSDAY, APRIL 20, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES MURPHY, MELLOY, GRUENDER**

**MER**

- |    |           |  |               |
|----|-----------|--|---------------|
| 1. | 05-2493   | Fnu Surya v. Alberto Gonzales, etc.  | 15            |
| 2. | 04-3587WM | Unites States v. Anna Cacioppo   |               |
|    | 04-3588WM | United States v. Richard Dean Plaskett,<br>Jr., etc.                       |               |
|    | 04-3713WM | United States v. Richard Dean Plaskett,<br>Jr., etc.                       |               |
|    | 04-4149WM | United States v. Anna Cacioppo   | 20            |
| 3. | 05-3093SD | Planned Parenthood Minnesota, etc., et al.<br>v. Mike Rounds, etc., et al. | 20            |
|    | 05-3454SI | Kelly Norberg, etc. v. Labor Ready, etc.                                   | <b>NO ARG</b> |
| 4. | 05-4373NE | United States v. Wesley W. Pappas, etc.                                    | 10            |

**DIVISION IV**  
**27<sup>th</sup> Floor**  
**Southwest Courtroom**

**FRIDAY, APRIL 21, 2006, BEGINNING 8:30 A.M.**  
**BEFORE JUDGES MURPHY, MELLOY, GRUENDER**

**JMH**

- |    |           |  |               |
|----|-----------|--|---------------|
| 1. | 05-3322WM | United States Equal Employment<br>Opportunity Commission v. Technocrest<br>Systems, Inc. | 15            |
|    | 05-3457WM | United States Equal Employment<br>Opportunity Commission v. Technocrest<br>Systems, Inc. |               |
|    |           | In the Matter of: Timothy M. Kurlmel, et al.,<br>Debtors,                                |               |
|    | 05-3449NE | Judith O. Letrud, et al. v. Timothy M.<br>Kurlmel  | <b>NO ARG</b> |
| 2. | 05-3866WM | Patti E. Johnson v. Kevin Blanket, et al.  | 10            |
|    | 05-3513EM | John H. Miller, III v. Coca-Cola<br>Enterprises, Inc.                                    | <b>NO ARG</b> |